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December 12, 2014

BY ECF and FAX

Hon. P. Kevin Castel
United States District Judge
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *United States v Thomas Hoey, et al* 11 Cr. 337(PKC)

Your Honor:

This letter is submitted, on behalf of Alejandro Noriega in response to the government's sentencing memorandum. In view of the government's memorandum, it is clear that I did not adequately explain Mr. Noriega's position.

In our initial memorandum, I observed that Mr. Noriega did not witness anyone place cocaine into the bag that had he removed from the hotel room on the night that the victim died. I noted further that he was not present when anyone used cocaine in the hotel room. These assertions, though literally true, apparently left the unintended impression that Mr. Noriega was not remorseful and had not accepted full responsibility. Thus, the government argued that, because of various other circumstances, Mr. Noriega must have known that cocaine had been used that evening regardless of whether he witnessed cocaine use that night or saw cocaine in the bag. *See*, Government Sentencing Memorandum, pp.5-6.

To be clear, Mr. Noriega does not dispute that he had ample reason to believe that the bag contained cocaine and/or drug paraphernalia. Nor does he dispute that he withheld important information from the police that resulted in a delay in the investigation. He is genuinely remorseful for this conduct and we regret if our prior submission left a contrary impression.

Respectfully submitted,

/s/
James E. Neuman

cc: AUSA Margaret Garnett (by email)